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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,292	03/14/2001	Van den Berg Karel	8553/206	6363

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EXAMINER

BATSON, VICTOR D

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 03/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/764,292

Applicant(s)

KAREL, VAN DEN BERG

Examiner

Victor Batson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-23 and 65-120 is/are pending in the application.
- 4a) Of the above claim(s) 7-23 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 65-72 is/are allowed.
- 6) ☒ Claim(s) 74-76, 78, 80, 84, 85, 89-95, 102-112 and 117-120 is/are rejected.
- 7) ☒ Claim(s) 77, 79, 81-83, 86-88, 96-101 and 113-116 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 Jan 2001 & 26 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the caterpillar track, the orientation means, the guidance means, a compass, a gyroscope, an air level device, a clinometer, an accelerator meter, a circular element comprising a disc, a sphere, protective facilities comprising a sensor for detecting cows, a positioning means, a signal producing means, a brush, a spraying unit, and a bracket must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Response to Amendment

The amendment filed 11/26/03 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Newly submitted figure 5 contains new matter including brush 3', track 4', and member 10 which include details not properly supported by the original specification. Additionally, the added material to the specification regarding figure 5, and regarding the bracket is considered new matter.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 76,77,89,90,91,92,93,95,107,108,109,110,112,113,115,116 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is not clear how the claimed compass, gyroscope, air level device clinometer and accelerator meter work with the orientation means. It is not clear how the claimed clinometer, accelerator meter, signal producing means works with the positioning means. It is not clear how the manure displacing means comprising a brush and particularly a spraying unit is indispensable for supporting and propelling the vehicle, or how they support the vehicle while it is operating.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 74,75,76,78,80,102,103,111,112,119 are rejected under 35 U.S.C. 102(b) as being anticipated by Sloan (5,279,012).

Sloan discloses an unmanned vehicle including a steering unit 22 for steering the vehicle, a propelling unit 18 and non-rotatable manure displacing means (34,67) for

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displacing manure, with the manure displacing being non-rotatable and providing support for a major part of the vehicle's weight.

Concerning claims 102 & 103, member 39 is considered a protective facilities bumper. Concerning claim 111, member 34 is considered a manure slide, and member 67 is disclosed as a spraying unit. Concerning claims 74,75 & 76, member 39 is considered an anti-bumping means comprising a bumper and bracket.

Claims 117,118 are rejected under 35 U.S.C. 102(b) as being anticipated by Yokoi (4,306,329).

Yokoi discloses an unmanned vehicle including a propelling unit which is substantially entirely supported by two endless members 7,8, and which is not connected to an external power source, with the vehicle including non-rotatable manure displacing means 42 and protective means 3, with the vehicle being prevented from colliding with obstacles by the operator.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 84,85,89,90,91,92,93,94,95,105,106,107,108,109,110 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sloan (5,279,012) in view of Perling (5,569,371).

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Sloan discloses an unmanned vehicle as described previously, but lacks orientation means for determining a relative position of the vehicle.

Perling teaches that it is known in the cleaning art to use a guidance means for determining a relative position of the vehicle to help control the vehicle.

It would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify the device of Sloan, by including a guidance means as taught by Perling, to determine the position of the vehicle and help control the vehicle.

Concerning claim 110, Perling also discloses the use of a brush for cleaning.

Claim 120 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sloan (5,279,012) in view of Kim (5,534,762).

Sloan discloses an unmanned vehicle as described previously, but includes the vehicle being connected to an external power source.

Kim teaches that it is known in the art for an unmanned cleaning vehicle to be propelled by means of a battery, which would meet the limitation of not being connected to an external power source. Enabling the device to be propelled by battery power avoids the need to provide an additional extension cord (col 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify the device of Sloan, to enable the device to be propelled by battery power as taught by Kim, to avoid the need to provide an additional extension cord.

Allowable Subject Matter

Claims 65-72 are allowed.

Claims 77,79,81-83,86-88,96-101,104,113-116 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 11/26/2003 have been fully considered but they are not persuasive. Applicant argues that there is not a requirement for PCT applications to illustrate all components of the claims. The examiner agrees, however the instant application is not a PCT application. Applicant argues that the bumper 6 may also be considered a bracket. The examiner disagrees and notes that this is not supported in the specification as originally filed. Applicant argues that the claimed items not shown in the figures are off-the-shelf items. This may be true, however applicant is still required to show the claimed items in the drawings and to properly describe them in the specification in such a way as to enable one skilled in the art to make and/or use the invention with the claimed items. Additionally, the requirement for the drawings to show the claimed subject matter is not waived for off-the-shelf items. Similarly, the drawings must show every feature of the invention specified in the claims even if there is a wealth of information concerning the various items via Internet access as well as being disclosed in farm oriented magazines. Applicant argues that one skilled in the art does not have to be a rocket scientist to enable such person to use the subject matter

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since the invention is not directed to a rocket, applicant's argument does not appear to be relevant to the application or the rejection. Additionally, the basis for applying a rejection under 35 U.S.C. 112, first paragraph in this case has nothing to do with one skilled in the art being a rocket scientist or not. Additionally, it is the examiner's position that the light outside the undersigned office is irrelevant to applicant's invention, claims, drawings, 35 U.S.C. 112 first paragraph rejection, how a manure displacing means operates or applicant's brush or spraying unit that is not shown or properly described.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Batson whose telephone number is (703) 305-6356. The examiner can normally be reached on Monday through Friday (except Wednesday).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Will can be reached on (703) 308-3870. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 4, 2004


Victor Batson
Primary Examiner
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